

UNITED STATES DISTRICT COURT
FOR THE DISTIRCT OF COLUMBIA

JAMES H. LESAR, : : 84-2031
Plaintiff : :
v. : : Civil Action No. _____
CENTRAL INTELLIGENCE AGENCY, : :
Defendant : :

APPLICATION FOR TEMPORARY RESTRAINING ORDER

Comes now the plaintiff, Mr. James H. Lesar, and moves the Court for a temporary restraining order, restraining defendant from withholding records sought by him under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

As grounds for this application, plaintiff represents to the Court as follows:

1. The records sought by plaintiff are pertinent to evaluation and debate of legislation now pending in Congress to exempt the "operational" files of the Central Intelligence Agency (CIA) from the search and review requirements of the FOIA. In the Senate, the bill which would accomplish this is S. 1324, introduced by Senators Barry Goldwater and Strom Thurmon and already passed by that body. In the House, it is H.R. 5164, introduced by Congressman Romano L. Mazzoli.

2. The House of Representatives is now scheduled to vote on H.R. 5164 late Tuesday afternoon, September 18, 1984.

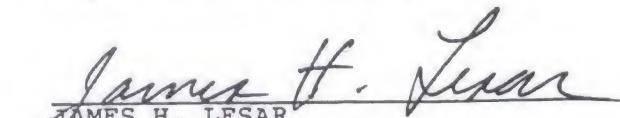
3. Plaintiff is an active participant in the debate over the advisability of enacting H.R. 5164. He has written a lengthy memorandum detailing his reasons for opposing this legislation in its present form, and this memorandum has been circulated to interested citizens, journalists, lawyers, historians, legal scholars and a large number of congressmen. In seeking the records he has requested, plaintiff has two principal uses presently in mind: (1) to further communicate information and arguments to Congress regarding H.R. 5164; and (2) to write one or more articles on this legislation and the controversy surrounding it for publication in suitable journals.

4. Unless defendant is restrained from withholding the records sought by plaintiff, plaintiff will be irreparably harmed in that he will be deprived of his First Amendment right to communicate to Congress and to the public information which is vital to evaluation and discussion of the pending legislation.

5. At a trial on the merits of the underlying Freedom of Information Act claim, it is likely that plaintiff will prevail.

A Memorandum of Points and Authorities and a proposed order are attached hereto.

Respectfully submitted,


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Attorney pro se